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Takuji Kaya

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23850 7590 08/24/2009  
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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

08/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **ADVISORY ACTION**

### ***Acknowledgment of Applicant's Amendments***

1. The amendment made in Claim 1 in the After Final Amendment filed August 7, 2009 has not been entered because the amendment raises a new issue. Claim 1, prior to amendment, was not directed to an adhesive coating 'in contact with the PET bottle.' The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 - 6 and 9 - 12 as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al (U.S. Patent No. 4,704,445) and 35 U.S.C. 103(a) rejection of Claims 7 - 8 as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al (U.S. Patent No. 4,704,445) and further in view of Eckes et al (U.S. Patent No. 4,812,492), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 7 of the remarks dated August 7, 2009, that Ezawa et al fail to disclose an adhesive coating 'in contact with the PET bottle,' and that the amendment is a clarification.

However, as stated above, Claim 1, prior to amendment, was not directed to an adhesive coating 'in contact with the PET bottle.' The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered. It is noted that a clarification that the claimed adhesive coating lies between the

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heat shrinkable film and the PET bottle need only state that the coating lies 'between the heat shrinkable film and the PET bottle.'

Applicant also argues, on page 9, that the phrase 'as measured' has been added to clarify that the PET bottle does not have a PET film.

However, the previous Action was not created with the assumption that the PET bottle had a PET film.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/  
Primary Examiner, Art Unit 1794